

Notice of Allowability

Application No.

10/730,611

Applicant(s)

SEWELL, GARY

Examiner

Christopher Verdier

Art Unit

3745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's Amendment dated September 6, 2006.
2. ☒ The allowed claim(s) is/are 1,2,5,6,9-21, and 23-31.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Coe Miles, Attorney of Record, on November 24, 2006.

The application has been amended as follows:

In the Specification:

In paragraph [0001], line 4, "2002" has been changed to -- 2002 --.

After paragraph [0031], the following new paragraph has been inserted:

-- [0031.1] In another embodiment, the top plate comprises a surface having a substantially circular cross section. A first plurality of fixed sized openings in the top plate comprises holes having a substantially circular cross section. A second plurality of fixed sized openings is provided in a lower plate. The first and second plurality of fixed sized openings have substantially the same cross sectional shape. Gear teeth are provided on at least a portion of an outer edge of the lower plate. The side wall is coupled at an approximately ninety degree angle relative to a top surface of the top plate. The partially enclosed volume comprises a substantially

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circular cross-section. The blades are adapted to sweep out substantially all of the partially enclosed volume when in a first position. The pitch adjustment mechanisms adjust the pitch between approximately plus and minus ninety degrees relative to a vertical position. At least one of the top plate and side wall comprise a metal. At least one of the top plate and side wall comprise a composite. At least one of the top plate and side wall comprise a plastic. The device may be coupled to an automobile. --

In the Claims:

Claim 22 is canceled.

In the Drawings:

The following changes to the drawings have been approved by the examiner and agreed upon by applicant: In order to avoid abandonment of the application, applicant must make these agreed upon drawing changes.

In figure 8, approval is granted to delete reference numeral 125 and its lead line.

The above change to the specification at paragraph [0001] has been made to correct an informality. New paragraph [0031.1] has been inserted to provide antecedent basis in the specification for originally filed claims 2, 6, 9-13, 15, 26-28, and 30. Claim 22 has been canceled because it is inaccurate and conflicts with the limitations in claim 1, from which it

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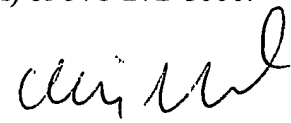
depends. The above change to figure 8 has been approved to remove reference numeral 125 and its lead line, which correspond to a different element in the other drawing figures.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Verdier whose telephone number is (571) 272-4824. The examiner can normally be reached on Monday-Friday from 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward K. Look can be reached on (571) 272-4820. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

C.V.
November 24, 2006


Christopher Verdier
Primary Examiner
Art Unit 3745